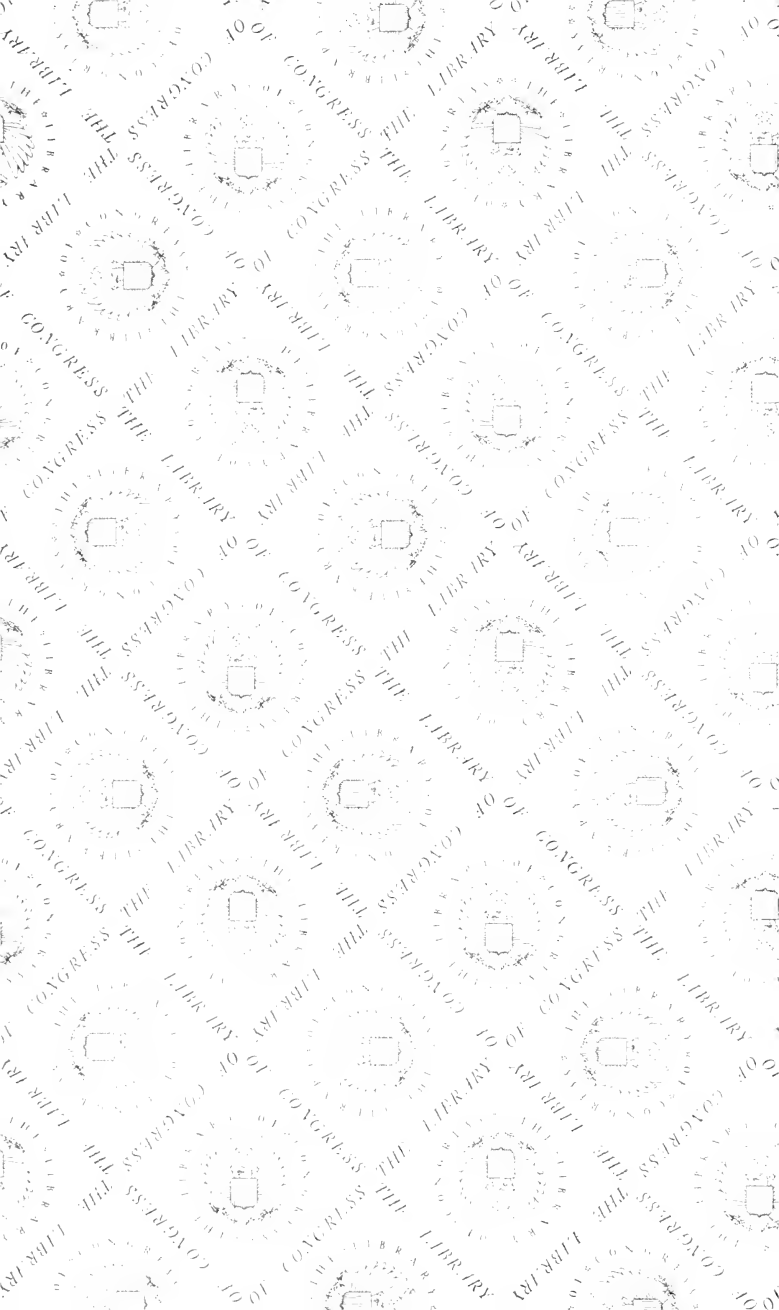
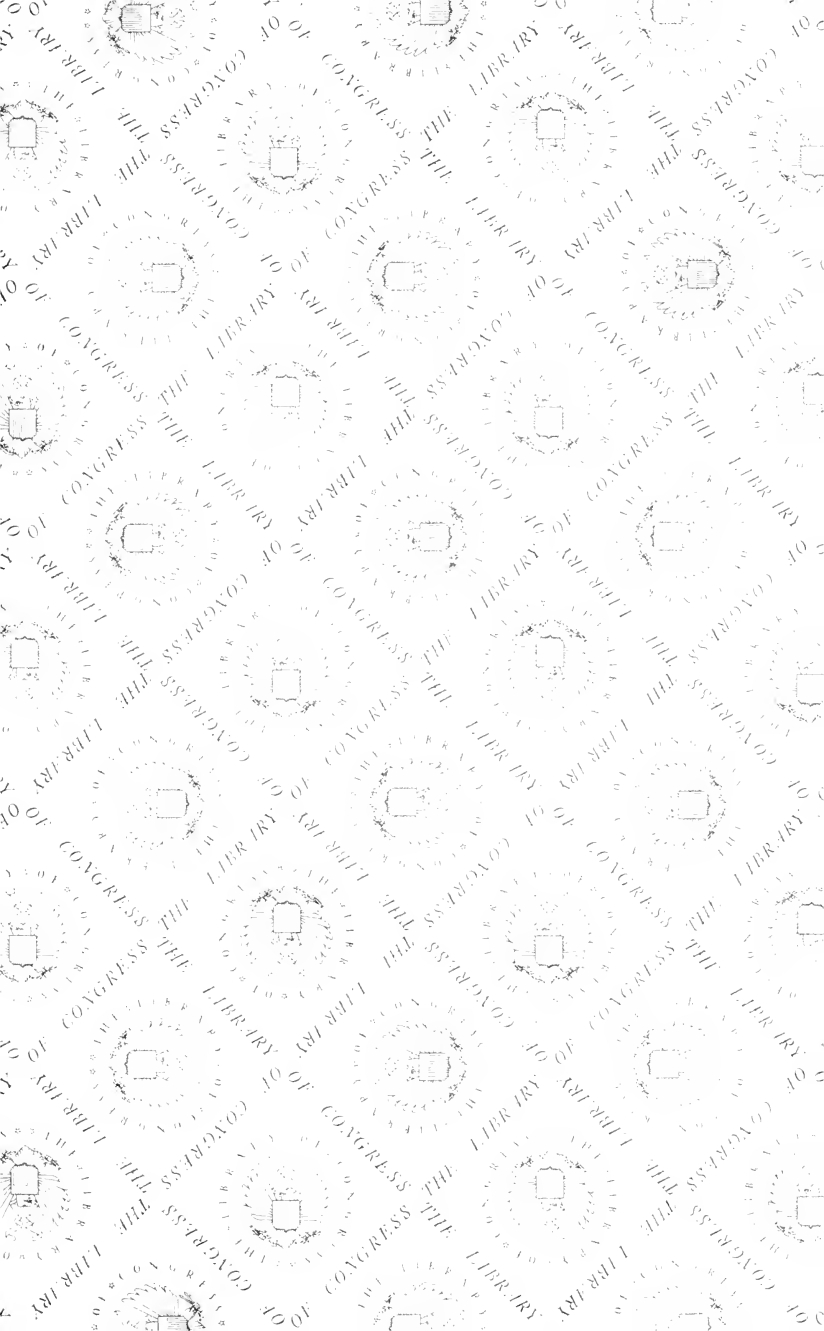


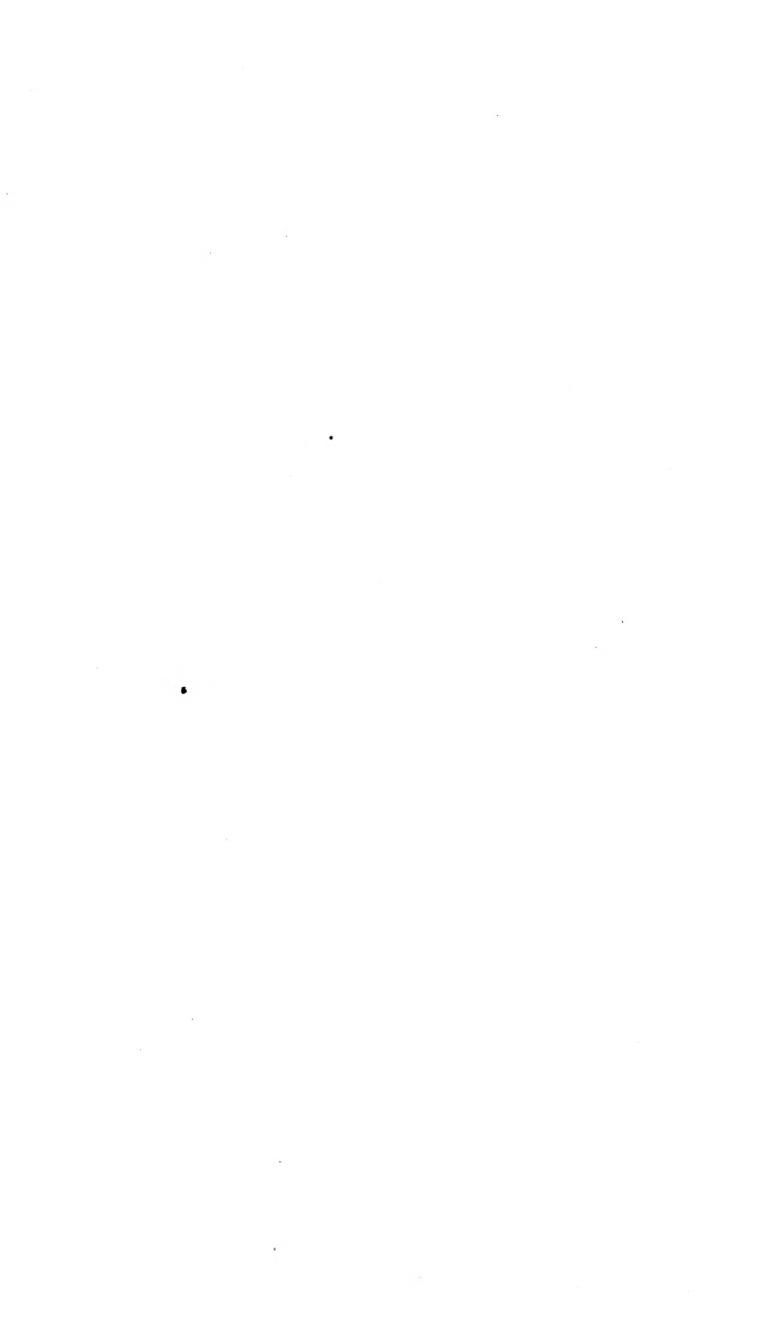
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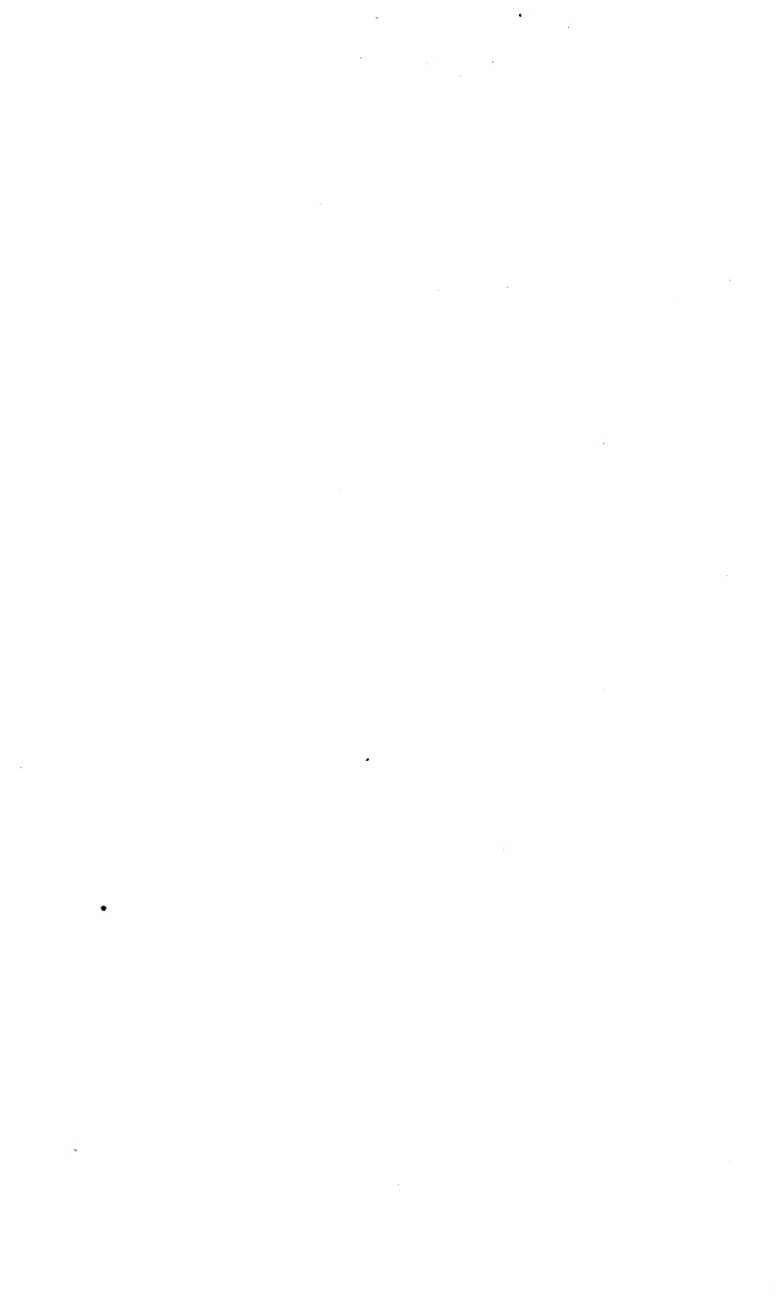
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Benjamin Church.



Benjamin Church.

Head-Quarters, Cambridge, September 14, 1775.

(Parole, Roxborough.)

(Countersign, Salem.)

In obedience to the general order of the 7th instant, the inquiry into the conduct of Doctor *Church*, the Director-General of the Hospital, and the respective Regimental Surgeons, has been held in General *Sullivan's* Brigade; that being finished, the General orders the like to be held forthwith in General *Greene's* Brigade.

DOCTOR CHURCH TO GENERAL SULLIVAN.

American Hospital, September 14, 1775.

Dr. *Church* presents his most respectful compliments to General *Sullivan*, and most heartily felicitates himself on receiving so honorary a testimonial of General *Sullivan's* approbation, as he met with the last evening, at Head-Quarters. The Doctor esteems himself peculiarly happy that the undeserved prejudice against him is so totally removed, which, from frequent intimations, he was apprehensive had possessed the General's mind. He flatters himself that his whole conduct, during the present unhappy contest, will bear the strictest scrutiny. A regard to place, popularity, or the more detestable motive of avarice, never influenced his conduct in publick life. The sole object of his pursuit, the first wish of his heart, was ever the salvation of his Country.

The Doctor, nevertheless, in justice to himself, and with respect to the man who behind the curtain has influenced and took the lead in the opposition to him, must declare, that although he could never stoop to act the parasite, play the buffoon, or become the herald of his own eminence in his profession, would feel the indignation of conscious merit, should he be put in competition with the person who vainly endeavours to supplant him.

Hon. General *Sullivan*.

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Head-Quarters, Cambridge, September 18, 1775.

(Parole, Brunswick.)

(Countersign, Cambridge.)

The inquiry into the conduct of Doctor Church, Director-General of the Hospital, and the respective Regimental Surgeons, to be held to-morrow, in General Heath's Brigade.

GENERAL GATES TO DOCTOR CHURCH.

Cambridge, September 24, 1775.

To Doctor Church :

SIR: I am directed by his Excellency the General to inform you that his unwillingness to part with a good officer alone prevents his complying with your request, in your letter of the 20th instant. He desires you would stay with your family some time longer, and if there is then no prospect of its being in such a situation as to permit you to return to your duty, you will receive a discharge pursuant to your letter. Your very humble servant,

HORATIO GATES, *Adjutant-General*.

HENRY WARD TO GENERAL GREENE.

Providence, September 26, 1775.

SIR: This letter waits upon you by Mr. *Maxwell*, who goes down to *Cambridge* upon a matter into which I think the strictest inquiry ought to be made. It is, in short, this: In *July* last, a woman, with whom Mr. *Wainwood* had an acquaintance in *Boston*, came to his house and wanted him to assist her in procuring an opportunity of seeing Mr. *Dudley* or Captain *Wallace*; and by all her behaviour showed that she had some secret of consequence. He artfully drew from her that she had been sent from *Cambridge* with a letter to be delivered to either of the persons above named, to be forwarded to *Boston*. It immediately occurred to him that the letter was probably sent from some traitor in our army. Upon which, he started every difficulty in the way of her seeing *Dudley* or *Wallace*, that he could think of, and finally prevailed upon her to intrust him with the delivery of the letter. He kept the affair to himself some time, being at a loss what step he should take in it; and at length imparted the secret to Mr. *Maxwell*, who, upon opening the letter, found it written in characters which he did not understand.

Here

rested until very lately, when Mr. *Wainwood* received a letter from the woman, discovering great uneasiness about the letter she had intrusted him with, which naturally induced a suspicion that the writer of it still continued his correspondence in *Boston*, and had received information that the letter had never been transmitted. Mr. *Wainwood* and Mr. *Maxwell*, who are both of them friends to the cause of *America*, rightly judging that the continuance of such a correspondence might be attended with the most pernicious consequences to the interest of *America*, thought proper to come to *Providence* and consult me upon it, having prudently kept the matter entirely to themselves. By my advice, they proceeded to *Cambridge*, to lay it, with all the circumstances, before you.

I think it best to introduce Mr. *Maxwell* to General *Washington*, and for you and the General, with not more than one trusty person besides, to consider as to the most prudent measures to discover the traitor. Perhaps the first step should be to take up the woman, who is now at *Cambridge*, in so private a way as to create no suspicion ; and it is probable that rewards and punishments, properly placed before her, will induce her to give up the author ; in which case he, with all his papers, ought to be instantly secured. If the woman should be obstinate, some clew may be found from her connections, that will probably lead to a discovery. But I beg pardon for undertaking to give my advice in this case, when you, upon the spot, possessed of all the circumstances, will be so much better able to judge of the measures proper to be pursued. As Mr. *Wainwood* is well known to many of the inhabitants of *Boston*, I have advised him to go no farther than *Dedham*, where he may be sent for as soon as it shall be thought proper for him to appear. I will only add, that if they are happily the means of discovering a treacherous correspondence, carried on by any person of note and trust in our publick affairs, they will do a most essential service to their Country, and deserve an adequate reward.

I am, with great truth and esteem, Sir, your most obedient and very humble servant,

HENRY WARD.

At a Council of War held at Head-Quarters, *Cambridge*, October 3, 1775, present :

His Excellency General *Washington* ; Major Generals *Ward*, *Lee*, and *Putnam* ; Brigadier-Generals *Spencer*, *Heath*, *Sullivan*, *Greene*, and *Thomas* ; Adjutant-General *Gates*.

The General communicated to this Board a discovery of a correspondence carried on with the enemy by Dr. *Church*, by Letter in characters, which was deciphered by the Rev. Mr. *West*, and laid the said Letter before the Members of the Council.

After considering and discussing the matter, it was determined to adjourn till to-morrow, and then that Dr. *Church* be examined.

October 4.—The Council of War met. Present as before.

Dr. *Church* being sent for, and shown the Letter in characters, was asked, whether the said Letter was written by him ; to which he answered, he believed it was. He was shown the explanation of said Letter, as deciphered, and asked whether it was a true one ; to which he answered in the affirmative. Dr. *Church* then explained his intention in writing said Letter, as calculated to impress the enemy with a strong idea of our strength and situation, in order to prevent an attack at a time when the Continental Army was in great want of ammunition, and in hopes of effecting some speedy accommodation of the present dispute, and made solemn asseverations of his innocence.

The General then asked the opinion of the Council, severally, whether it did not appear that Dr. *Church* had carried on a criminal correspondence with the enemy ; to which they unanimously answered in the affirmative.

The question was then proposed, and discussed, what were the proper steps to be taken with respect to him ; and, after examining the articles of the Continental Army, and particularly the articles twenty-eight and fifty-one, it was determined, from the enormity of the crime, and the very inadequate punishment pointed out, that it should be referred to the General Congress, for their special direction ; and that in the mean time he be closely confined, and no person visit him but by special direction.

DOCTOR CHURCH'S INTERCEPTED LETTER.

I hope this will reach you. Three attempts have I made without success. In effecting the last, the man was discovered in attempting his escape; but fortunately my letter was sewed in the waistband of his breeches. He was confined a few days, during which time you may guess my feelings; but a little art and a little cash settled the matter. 'Tis a month since my return from *Philadelphia*; I went by the way of *Providence*, to visit mother. The Committee for warlike stores made me a formal tender of twelve pieces of cannon, eighteen and twenty-four pounders; they having taken a previous resolution to make the offer to Gen. *Ward*. To make a merit of my services, I sent them down; and when they received them, they sent them to *Stoughton*, to be out of danger, even though they had formed the resolution, as I before hinted, of fortifying *Bunker's Hill*, which, together with the cowardice of the clumsy Colonel *Gerrish* and Colonel *Scammons*, was the lucky occasion of their defeat. This affair happened before my return from *Philadelphia*. We lost one hundred and sixty-five killed then, and since dead of their wounds; one hundred and twenty now lie wounded; the chief will recover. They boast you have fourteen hundred killed and wounded in that action. You say the Rebels lost fifteen hundred, I suppose with equal truth. The people of *Connecticut* are raving in the cause of liberty. A number from this Colony, from the Town of *Stamford*, robbed the King's stores at *New-York*, with some small assistance the *New-Yorkers* lent them; these were growing turbulent. I counted two hundred and eighty pieces of cannon, from twenty-four to three-pounders, at *Kingsbridge*, which the Committee had secured for the use of the Colonies. The *Jerseys* are not a whit behind *Connecticut* in zeal. The *Philadelphians* exceed them both. I saw twenty-two hundred men in review there by General *Lee*, consisting of Quakers and other inhabitants, in uniform, with one thousand Riflemen and forty Horse, who, together, made a most warlike appearance. I mingled freely and frequently with the members of the Continental Congress; they were united, determined in opposition, and appeared assured of success. Now, to come home. The opposition is become formidable. Eighteen thousand men, brave and determined, with *Washington* and *Lee* at their head, are no contemptible enemy. Adjutant Gen. *Gates* is indefatigable in arranging the Army. Provisions are very plenty; clothes are manufacturing in almost every Town for the soldiers.

tons of powder lately arrived at *Philadelphia*, *Connecticut*, and *Providence*; upwards of twenty tons are now in camp. Saltpetre is made in every Colony. Powder Mills are erected, and constantly employed, in *Philadelphia* and *New-York*. Volunteers, of the first fortunes, are daily flocking to the camp; one thousand Riflemen in two or three days. Recruits are now levying, to augment the Army to twenty-two thousand men. Ten thousand Militia are appointed in this Government, to appear on the first summons. The bills of all the Colonies circulate freely, and are readily exchanged for cash; add to this, that unless some plan of accommodation takes place immediately, these harbours will swarm with privateers; an army will be raised in the Middle Provinces, to take possession of *Canada*. For the sake of the miserable convulsed Empire, solicit peace, repeal the acts, or *Britain* is undone. This advice is the result of warm affection to my King and to the Realm. Remember I never deceived you; every article here sent you is sacredly true. The papers will announce to you that I am again a Member for *Boston*; you will there see our motley Council. A general arrangement of officers will take place, except the chief, which will be suspended but for a little while, to see what part *Britain* takes in consequence of the late Continental petition. A view to independence grows more and more general. Should *Britain* declare war against the Colonies, they are lost forever. Should *Spain* declare against *England*, the Colonies will declare a neutrality, which will doubtless produce an offensive and defensive league between them. For *God's* sake, prevent it by a speedy accommodation. Writing this has employed a day. I have been to *Salem* to reconnoitre, but could not escape the geese in the capitol; to-morrow I set out for *Newport*, on purpose to send you this. I write you fully, it being scarcely possible to escape discovery. I am out of place here, by choice, and therefore out of pay, and determined to be so unless something is offered in my way. I wish you could contrive to write me largely in cipher, by the way of *Newport*, addressed to *Thomas Richards*, merchant. Enclose it in a cover to me, intimating that I am a perfect stranger to you; but being recommended to you as a gentleman of honour, you took the liberty to enclose that letter, entreating me to deliver it as directed; the person, as you are informed, being at *Cambridge*. Sign some fictitious name. This you may send to some confidential friend at *Newport*, to be delivered to me at *Watertown*. Make use of every precaution, or I perish.

A true copy: compared by

ELISHA PORTER.

In Council, October 16, 1775: Read and concurred.

Mr. *Sullivan*, according to order, reported the following Resolve, viz:

Whereas this House hath been informed that *Benjamin Church*, Esquire, a member thereof, is now detained and imprisoned by his Excellency *George Washington*, Esquire, General and Commander-in-Chief of the Forces of the *United Colonies*; and the House being jealous of their privileges, and desirous to know the cause of said imprisonment: therefore,

Resolved, That the Speaker, Mr. *Sullivan*, and Major *Bliss*, be a Committee to apply to his Excellency *George Washington*, Esquire, requesting him, as soon as may be, to certify to this House the cause of the detention and imprisonment of the said *Benjamin Church*, Esq., that they may advise thereon.

Mr. Speaker communicated to the House a Letter from *Joseph Reed*, Esq., Secretary to General *Washington*, enclosing a Letter from Dr. *Church* to the enemy, as deciphered by the Reverend Mr. *West*, together with the Proceedings of the Council respecting the same. Whereupon,

Resolved, That Dr. *Church* ought to be brought to the Bar of this House, to show cause, if any he has, why he should not be expelled the same.

Ordered, That Mr. *Sullivan*, Major *Hawley*, Mr. *Gerry*, Colonel *Freeman*, and Mr. *Cooper*, consider and report a proper method wherein to bring Dr. *Church* before this House.

The Committee for considering the proper method for bringing Dr. *Church* to the bar of the House reported as follows:

Whereas it appears, by sundry papers transmitted to this House, agreeable to their desire, and by order of his Excellency *George Washington*, Esq., that *Benjamin Church*, Jun., Esq., lately a Surgeon-General in the *American Army*, has been convicted by the judgment of a Council of War, at which his Excellency presided, of having carried on a criminal correspondence with the enemy, and is accordingly ordered to be closely confined until special directions relative to this matter shall be received from the honourable the Continental Congress:

And whereas the said *Benjamin Church* is also a Member of this House, and the charge brought against him is of so criminal a nature, that

it is the duty of the House to make strict inquiry into the fact, and, upon proof of the same, to manifest their utter abhorrence thereof: Therefore,

Resolved, That Mr. *William Howe*, the Messenger of this House, be, and he hereby is directed, on *Friday*, the 27th of *October* instant, to apply to his Excellency *George Washington*, Esq., for a sufficient guard safely to conduct the said *Benjamin Church* to and from the bar of this House; and, being furnished therewith, to take the body of the said *Church*, and bring him to the bar of the House accordingly, at ten o'clock in the forenoon of the same day.

Ordered, That an authenticated copy of the foregoing Resolve be immediately laid before his Excellency General *Washington*.

Friday, October 27, 1775.

Upon a motion, *Ordered*, That there be fixed in the alley a bar, at which Dr. *Church* will be brought.

Ordered, That Colonel *Porter*, Mr. *Cooper*, and Colonel *Grout*, be a Committee to direct proper refreshments for the Guards that shall attend Dr. *Church*.

In Council, October 28, 1775: Read and concurred.

Doctor *Holten* brought down a Petition of *Joseph P. Palmer*, in behalf of the Committee of Correspondence of *Braintree*. Also, a Petition of *James Hayward*.

Notice was given that Dr. *Church* was at the door.*

Ordered, That Dr. *Church* be admitted to the bar of the House, and that the Committee to order provision for the Guards give directions that the Guards be placed at the several doors of the House.

Dr. *Church* was accordingly admitted; whereupon there was read an order of the House for an application to General *Washington*, that he would certify to this House the cause of the detention and imprisonment of *Benjamin Church*, Esq.

There was also read a copy of Dr. *Church's* Letter, as deciphered by the Rev. Mr. *West*; and a copy of the Proceedings of the Council of War respecting said *Church*, which had been transmitted by the General, and are as follows, viz:

"I hope this will reach you. Three attempts have I made without success. In effecting the last, the man was discovered in attempting his escape; but fortunately my letter was sewed in the waistband of his breeches.

He

was confined a few days, during which time you may guess my feelings; but a little art and a little cash settled the matter. 'Tis a month since my return from *Philadelphia*; I went by the way of *Providence*, to visit mother. The Committee for warlike stores made me a formal tender of twelve pieces of cannon, eighteen and twenty-four pounders; they having taken a previous resolution to make the offer to General *Ward*. To make a merit of my services, I sent them down; and when they received them, they sent them to *Stoughton*, to be out of danger, even though they had formed the resolution, as I before hinted, of fortifying *Bunker's Hill*, which, together with the cowardice of the clumsy Colonel *Gerrish* and Colonel *Scammons*, was the lucky occasion of their defeat. This affair happened before my return from *Philadelphia*. We lost one hundred and sixty-five killed then, and since dead of their wounds; one hundred and twenty now lie wounded; the chief will recover. They boast you have fourteen hundred killed and wounded in that action. You say the Rebels lost fifteen hundred, I suppose with equal truth. The people of *Connecticut* are raving in the cause of liberty. A number from this Colony, from the Town of *Stamford*, robbed the King's stores at *New-York*, with some small assistance the *New-Yorkers* lent them; these were growing turbulent. I counted two hundred and eighty pieces of cannon, from twenty-four to three-pounders, at *Kingsbridge*, which the Committee had secured for the use of the Colonies. The *Jerseys* are not a whit behind *Connecticut* in zeal. The *Philadelphians* exceed them both. I saw twenty-two hundred men in review there by General *Lee*, consisting of Quakers and other inhabitants, in uniform, with one thousand Riflemen and forty Horse, who, together, made a most warlike appearance. I mingled freely and frequently with the members of the Continental Congress; they were united, determined in opposition, and appeared assured of success. Now, to come home. The opposition is become formidable. Eighteen thousand men, brave and determined, with *Washington* and *Lee* at their head, are no contemptible enemy. Adjutant Gen. *Gates* is indefatigable in arranging the Army. Provisions are very plenty; clothes are manufacturing in almost every Town for the soldiers. Twenty tons of powder lately arrived at *Philadelphia*, *Connecticut*, and *Providence*; upwards of twenty tons are now in camp. Saltpetre is made in every Colony. Powder Mills are erected, and constantly employed, in *Philadelphia* and *New-York*.

Volunteers, of the first fortunes, are daily flocking to the camp; one thousand Riflemen in two or three days. Recruits are now levying, to augment the Army to twenty-two thousand men. Ten thousand Militia are appointed in this Province, to appear on the first summons. The bills of all the Colonies circulate freely, and are readily exchanged for cash; add to this, that unless some plan of accommodation takes place immediately, these harbours will swarm with privateers; an army will be raised in the Middle Provinces, to take possession of *Canada*. For the sake of the miserable convulsed Empire, solicit peace, repeal the acts, or *Britain* is undone. This advice is the result of warm affection to my King and to the Realm. Remember I never deceived you; every article here sent you is sacredly true. The papers will announce to you that I am again a member for *Boston*; you will there see our motley Council. A general arrangement of officers will take place, except the chief, which will be suspended but for a little while, to see what part *Britain* takes in consequence of the late Continental petition. A view to independence grows more and more general. Should *Britain* declare war against the Colonies, they are lost forever. Should *Spain* declare against *England*, the Colonies will declare a neutrality, which will doubtless produce an offensive and defensive league between them. For *God's* sake, prevent it by a speedy accommodation. Writing this has employed a day. I have been to *Salem* to reconnoitre, but I could not escape the geese of the capitol. To-morrow I set out for *Newport*, on purpose to send you this. I write you fully, it being scarcely possible to escape discovery. I am out of place here, by choice, and therefore out of pay, and determined so to be unless something is offered in my way. I wish you could contrive to write me freely in cipher, by the way of *Newport*, addressed to *Thomas Richards*, merchant. Enclose it in a cover to me, intimating that I am a perfect stranger to you; but being recommended to you as a gentleman of honour, you took the liberty of enclosing that letter, entreating me to deliver it as directed; the person, as you are informed, being at *Cambridge*. Sign some fictitious name. This you may send to some confidential friend at *Newport*, to be delivered to me at *Watertown*. Make use of every precaution, or I perish."

"This is a true copy of Dr. *Church's* letter, as deciphered by the Rev. Mr. *West*, and acknowledged by the Doctor to be truly deciphered.

"JOSEPH REED, *Secretary.*"

“At a Council of War held at Head-Quarters, *Cambridge*, *October 3, 1775*, present :

“His Excellency General *Washington* ; Major-Generals *Ward*, *Lee*, and *Putnam* ; Brigadier-Generals *Spencer*, *Heath*, *Sullivan*, *Greene*, and *Thomas* ; Adjutant-General *Gates*.

“The General communicated to the Board a discovery of correspondence carried on with the enemy by Dr. *Church*, by Letter in characters, which was deciphered by the Rev. Mr. *West*, and laid the said Letter before the Members of this Council.

“After considering and discussing the matter, it was determined to adjourn till to-morrow, and then that Dr. *Church* be examined.

“*October 4.*—The Council of War met. Present as before.

“Dr. *Church* being sent for, and shown the Letter in characters, was asked, whether the said Letter was written by him ; to which he answered, he believed it was. He was then shown the explanation of said Letter, as deciphered, and asked whether it was a true one ; to which he answered in the affirmative. Dr. *Church* then explained his intention in writing said Letter, as calculated to impress the enemy with a strong idea of our strength and situation, in order to prevent an attack at a time when the Continental Army was in a great want of ammunition, and in hopes of effecting some speedy accommodation of the present dispute, and concluded with solemn asseverations of his innocence.

“The General then asked the opinion of the Council, severally, whether it did not appear that Dr. *Church* had carried on a criminal correspondence with the enemy ; to which they unanimously answered in the affirmative.

“The question was then proposed, and discussed, what were the proper steps to be taken with respect to him ; and, after examining the regulations of the Continental Army, and particularly the articles twenty-eight and fifty-one, it was determined, from the enormity of the crime, and the very inadequate punishment pointed out, that it should be referred to the General Congress, for their special direction ; and that in the mean time he be closely confined, and no person visit him but by special direction.”

“A true copy of the Minutes of the Council of War on Dr. *Church*.
JOSEPH REED, *Secretary*.”

The following Letter was exhibited to the House by Dr. *Church*, to which

he said the foregoing was an answer, viz :

“**DEAR DOCTOR** : I have often told you what the dreams of your high sons would come to ; do you forget my repeated caution not to make yourself too obnoxious to Government. What says the psalm singer and *Johnny Dupe* to fighting *British Troops* now ? They are at *Philadelphia*, I suppose, plotting more mischief, where I hear your high mightiness has been ambassador extraordinary. Take care of your nob, Mr. Doctor—remember your old friend, the orator ; he will preach no more sedition. *Ally* joins me in begging you will come to *Boston* ; you may depend upon it, Government are determined to crush this rebellion. A large re-enforcement of troops is hourly expected, when they are determined to penetrate the country ; for *God’s* sake, Doctor, come to Town directly ; I’ll engage to procure your pardon ; your sister is unhappy, under the apprehension of your being taken and hanged for a rebel, which *God* grant may not be the case. You may rely upon it, the Yankees will never be a match for the Troops of *Great Britain*. The *Yorkers* have behaved like damned fools, in robbing the King’s stores, as Government intended to grant them some exclusive privileges in trade, had they continued loyal ; it will now be a rendezvous for *British Troops*. We know well that you are divided ; that your people are discouraged ; that you want discipline, artillery, and ammunition ; and Government has taken effectual care that you shall not be supplied from other Powers. I have wondered that we have not heard from you ; difference in politicks has not cancelled my friendship for you. Let me entreat you not to take up arms against your rightful King, as your friend *Warren* did, for which he has paid dearly. I cannot send your sulky, and the other matters you sent for ; you may thank your own people for that, who first set the example by preventing any thing from being brought to Town. I think you might have sent us a bit of fresh pork now and then. You see *Hancock* and *Adams* are attainted already. If you cannot pass the lines, you may come in Captain *Wallace*, via *Rhode-Island*. If you do not come immediately, write to me in this character, and direct your letter to Major *Cane*, on His Majesty’s service, and deliver it to Captain *Wallace* ; it will come safe. We have often been informed your people intend to attack the Town. By *God*, I believe they had such a dose on *Bunker’s Hill* as to cool their courage. Your sister has been for running away ; *Kitty* has been very sick ; we wished you to see her ; she is now picking up.

“ I remain your sincere friend and brother, I. F.

“ P. S. Don’t fail to write soon.”

Then the Speaker asked Dr. *Church*, whether he gave the Council of War the answers therein contained? He answered, not exactly.

Dr. *Church* was then asked, whether the Letter which had been read was a true copy of his Letter. He answered, the translation is not literally true.

An adjournment was moved for. Whereupon,

Ordered, That the Committee for providing for the Guards direct them to attend Dr. *Church* to a proper house, and from thence to return with him to the bar of this House, at three o'clock, P. M.

Afternoon.

Upon a motion, *Ordered*, That Mr. *Gerry* go to the honourable Board, and acquaint them that seats will be assigned them in the House, if they would choose to be present at the hearing of Dr. *Church*. Who returned, that he had delivered the message. Dr. *Church* was again admitted.

He then presented to the Speaker his Letter, as it had been read, and offered a correction of some errors (on separate paper) which he said were made either in deciphering, or by himself, when he transcribed it in ciphers.

The Speaker asked him, if the Letter with his corrections, was a true copy of that which he attempted to convey to *Boston*. He answered, I believe it is.

Various questions were put to him, which he answered, and declared that the only motive he had in writing was the publick good; that he took care to exaggerate our strength and firmness, with a view to dishearten and intimidate; that he particularly enlarged his accounts of our ammunition, at a time when an attack might have proved fatal, on account of the scarcity of that article; and that he was induced to the practice of art and dissimulation, which in such cases he thought admissible, by the hopes of obtaining intelligence from his brother *Flemming*, who was much devoted to Administration, which would serve the general cause—as he had before gained information of importance by such means, which he had employed much to our advantage.

Upon a motion, *Ordered*, That Dr. *Church* have leave to retire, under the charge of the Messenger of the House, so far only, as that if there should be occasion he may be again brought to the bar.

Ordered, That the Messenger of the House, under the conduct of the Guard, return Dr. *Church* to the place from whence he was taken.

Upon a motion, *Ordered*, That Mr. Speaker

, Major Haw-
ley, Colonel Orne, Mr. Gerry, and Mr. Mills, be a Com-
mittee to take into consideration the conduct of *Benjamin Church*, Esquire, and such order as is proper for this House
to take thereon, and report.

* *Account of the examination of Dr. BENJAMIN CHURCH, written while
he was in Prison at CAMBRIDGE.*

On *Friday, October 27*, the High Sheriff *Howe*, a messenger of the House of Representatives, at ten o'clock A. M., came to my prison, accompanied by Adjutant-General *Gates* and the several officers of the guard, with a summons from the honourable House, commanding my immediate attendance at the bar of the House. I requested to be indulged with an opportunity to change my linen, which was indulged me, while the guard was parading, and the officer of my escort waited upon the General for his directions. By the time I had put myself in decent apparel, I received orders to proceed. I had procured, in this interim, a chaise from a friend, into which the messenger entered with me; in which manner we proceeded,* in the centre of a guard of twenty men, with drum and fife, from my prison in *Cambridge* to *Watertown*, being three miles. When arrived at the Meeting-House in *Watertown*, where the Assembly then sat, the messenger of the House announced my arrival; upon which we received orders to tarry at the door till called for; after waiting a few minutes, the door-keeper, opening the door, directed the messenger to bring in the prisoner. I was then ushered into the House, and advancing up to the bar, which was placed about midway of the broad alley, I made my obeisance to the honourable Speaker of the House, *James Warren*, Esq., and to the members of the honourable House of Representatives there assembled. The galleries, being opened upon this occasion, were thronged with a numerous collection of people of all ranks, to attend so novel and so important a trial.

The honourable Speaker then began, by informing me that the honourable House of Representatives having been informed that I, a member of that House, was put under arrest by his Excellency General *Washington*, and their jealousy for the privileges of the House having been excited thereby, they had appointed a Committee of the honourable House to wait upon and confer with his Excellency upon the subject; to which they had received the following answer. Here his Honour recited a letter from his Excellency General *Washington*, attested by his Secretary, the Hon. *Joseph Reed*, Esq., specifying, that at a meeting of a General Court-Martial, held at *Cambridge*, on *October 3*, present, his Excellency General *George Washington*, Esquire, President; all the Major-Generals and Brigadier-Generals of the Army, and Adjutant-General *Gates*, *Benjamin Church*, Esq., Director-General of the Hospital, was summoned before them; when a Court of Inquiry being held, it was their unanimous opinion, that said *Benjamin Church* was convicted of holding a criminal correspondence with the enemy, each member being questioned *seriatim* upon the matter. After the Speaker had read the doings of the Court-Martial, the criminal letter, as deciphered by Mr. *West*, was produced and read to the House; upon which the honourable Speaker observed, "that the honourable House, from a regard to their own honour and reputation, and to express their abhorrence of such conduct in one of their members, had summoned me to the bar of that House, to make answer to the charges exhibited against me, and to proceed in such manner as to vindicate the reputation of the House." And then holding out the letter, demanded, "if that was a true copy of the letter I wrote in ciphers;" to which I replied,

"May it please your Honour and the honourable House, although I am a member of this honourable House, or have been, and have sustained some little part in the struggles of this very respectable body for several months past, yet in the matter now before them, a matter in which I hold some capital consideration, I profess myself to be totally unacquainted respecting the general design, mode of process, and the issue. If I might entreat the indulgence of the honourable House, I would inform them about a month since I was taken by an armed force, and have been confined a close prisoner for twenty-eight days; secluded by my stern jailors from the cheering eye and consoling tongue of friend and acquaintance, unless by a special license from Head-Quarters, which has been sparingly granted; and never indulged with the aid and advice of counsel learned in the

* To my utter astonishment, the House, forgetful of their dignity and privileges, in a manner unprecedented, suffered me to be held in custody of a military guard during the whole time of my trial before the honourable House,

law; six days retained in the most rigorous confinement. I was then led before a General Court-Martial,* attended by my guards; after a scrutiny, novel and undecisive, which I then apprehended to be a trial, I was remanded back to my prison; but, at my request, and the indulgence of the General, attended only by the officers of the guard. There I have been held in the most cruel imprisonment, at the point of the bayonet, ever since. This morning, may it please your Honours, at the hour of ten o'clock, without any previous intimation of such a design, without any expectation of such an event, I am summoned, *ex improviso* and immediately, to the bar of this honourable House. Bowed to the dust by infirmity produced by distress, harassed and sickening with painful suspense, aggravated vexations, rigorous imprisonment, and a load of sorrows no longer supportable, am I called upon to make my defence. Though in a situation to wound the bosom of compassion, and from the eye of humanity to steal a tear, relying on conscious integrity, *that* trial I wish not to evade: only let me be determined, Sir, whether the jurisdiction of this House extends to the whole enormity of the transaction of which I stand accused; whether, may it please your Honour, this trial shall be final and decisive." To which his Honour the Speaker made answer, "that the honourable House had determined to examine this matter no further than as it related to a member of that House." To which I rejoined, "sorry am I, Sir, that my plea for justice cannot be heard: I have been led from *Caiaphas* to *Herod*, and from *Herod* to *Pontius Pilate*. To what tribunal shall I make my final appeal? The House will pardon me; but while they appear so tremblingly alive to preserve their reputation unsullied, they should not forget the sinister influence such precipitation will have at the future trial of perhaps an innocent man; my cause will be prejudged, and my guilt ascertained by the sanction of this important body, before due inquisition is made. I did hear, Sir, that this House had determined on my expulsion;† I immediately transmitted to your Honour a formal resignation of my seat as a member of this House, in some measure to prevent the ill consequences which their censure might produce hereafter. This honourable House may possibly remember, when Mr. *Wilkes* was arraigned, in the language of Lord *Chatham*, for 'blaspheming his *God* and libelling his King,' the House of Commons, of which he was then a member, did not evidence a premature distress lest their immaculate honours should be tainted; their generous humanity induced them to take no cognizance of the fact, till by due process of law he was condemned to exile. After which, they expelled him the House." The Honourable Major *Hawley* then moved, that the honourable Speaker would put the question to me, whether the letter then read was a true copy of the letter I wrote in ciphers. I replied, it was not an exact copy. Major *Hawley* then urged, that perhaps there was some trifling literal variations, which made no material difference, but requested that I might be asked whether the letter then read did not contain the true meaning and import of my letter in general.

The

question was put by the Speaker, to which I answered as follows: "I perceive the honourable House, influenced by a partial purpose, are determined upon an immediate trial. The honourable gentleman from *Northampton* perfectly mistakes me if he supposes I mean, through chicane or evasion, to interrupt your inquisition; confirmed in assured innocence, I stand prepared for your keenest searchings. I now first learn, may it please your Honours, of my being convicted by a General Court-Martial of a criminal correspondence with the enemy; what leads to such a conviction is perfectly unknown to me; and I presume it is something singular that I should be first acquainted with the

* I was not even there favoured with the assistance of the Advocate-General. They cannot pretend it was not a trial, as they made up their judgment, and determined I was convicted of a criminal correspondence, &c.

† As the General Court-Martial had convicted me without a trial, perhaps the honourable House will think themselves warranted in their sentence of excommunication.

‡ It appears to me a strange perversion of language to assert that I was convicted of a criminal correspondence with the enemy, when there was no single circumstance to lead to such a conviction beyond the letter itself, which carried in it such evident marks of fallacy as to destroy its own testimony; add to this, it savours not a little of *Hibernianism* to construe the bare writing a letter (which was never conveyed to the person for whom it was wrote) a conviction of an actual criminal correspondence. The most severe construction that common understanding could affix to this writing, were it indisputably calculated to betray the interest of the community, would be "an attempt judgment of that Court in my attendance upon this. It has been frequently objected to us by our adversaries, that we were struggling to establish a tyranny much more intolerable than that we meant to oppose. Shall we justify the prediction of our enemies? Will it be for the honour or interest of the community that one of your friends and partisans is reduced to deprecate that power which, by his constant exertions, he has been in some measure instrumental in supporting? You profess you are contending for the rights and liberties of *British* subjects. Why then deny appeal to common law? Am I impertinent in claiming the rights of *Magna Charta* and Bill of Rights? Have I no title to a trial by jurors, or the benefit of the *Habeas Corpus* Act? But if by a forced construction I am deemed amenable to martial law for matters transacted before my appointment to the hospital, and before the promulgation of those laws, why are the rules and articles framed by the Continental Congress, for the government of the Army, violated in every letter, to accumulate distresses upon me?

"I have suffered already the utmost penalty annexed to the breach of that law, for which I now stand committed. Am I to be the victim of the insatiable rage of my enemies? Am I perpetually to be subjected to the successive pains and penalties of every capricious power? It is a maxim in that Government which I claim as my inheritance, Sir, and for which you have expressed the highest veneration, "*Misera equidem est servitus ubi jus est vagum et incertum*:" Miserable indeed is that state of slavery where the right of the subject is vague and uncertain. But I will not engross the time of this honourable Court. I did say, Sir, the letter, as now read, is not a literal construction of that I wrote in ciphers, as far as my memory serves, for the letter was written in great haste. I never have been favoured with a copy since, to consider of it, and have never seen it till to-day, except the very cursory reading I gave it when before the General Court-Martial, at which time the perturbation of mind incidental to such a situation naturally prevented such a close attention as to enable me to recollect the contents. I believe, in general, the sense is preserved; in some instances it is perverted. It has been proposed, that the letter be read in paragraphs, and that I be questioned in order. If it will be agreeable to the honourable House, I will read the letter in paragraphs: I will candidly and faithfully execute my intention in the course of my reading; and, to convince the honourable House that I mean not to cavil at trifling inaccuracies, I will correct the erroneous passages as I proceed, and restore the true reading on a different sheet."

This motion was acceded to by the honourable House, and the copy of the letter being handed to me by *John Pitts, Esq.*

, I began: "Previous to any remarks upon the substance of this reprobated letter in my hand, by your Honour's leave, and the indulgence of the honourable House, I will repeat the circumstance which led to, and my motives for writing the letter: sometime after my return from *Philadelphia*, I was passing in my chaise towards *Mistick*, I met with a team conveying household furniture towards *Cambridge*. In the team, seated on a bed was a woman with two children; the woman accosted me by name, asking me if I did not know her; her countenance was familiar to me; I answered yes, and inquired when she left *Boston*; she informed me, the day before, and told me, she had a letter for me from *Boston*, from my brother; she took a small bundle out of her pocket, and, opening it, handed the letter to the carman, who delivered it to me; it was directed to me; upon breaking the seal I found it written in ciphers and signed *I. F.* I put it in my pocket, and rode a few rods; curiosity induced me to return back and repair to my lodgings, to decipher the letter, and acquaint myself with the contents. This is the letter. Here I handed the letter to the Speaker, who read it to the honourable House, as follows:

"DEAR DOCTOR: I have often told you what the dreams of your high

to correspond with the enemy;" but the person for whom the letter was designed was not in office, was not a soldier; he was my friend and brother. I have a great veneration for several of the respectable personages who composed this Court, but, abstracted from the consideration of self, I lament that those worthy characters should have been betrayed into so injurious, so unjustifiable a construction of an innocent piece of artifice to serve the common cause. If I was then convicted, I suppose my continued imprisonment is the penalty awarded for my transgression; if so, the month is up, and I ought to be discharged; but of this more hereafter.

flaming sons would come to; do you forget my repeated cautions not to make yourself too obnoxious to Government? What says the psalm-singer and *Johnny Dupe* to fighting *British* Troops now? They are at *Philadelphia*, I suppose, plotting more mischief; where, I hear, your high mightiness has been ambassador extraordinary; take care of your nob, Mr. Doctor—remember your old friend, the orator; he will preach no more sedition. *Ally* joins me in begging you to come to *Boston*. You may depend upon it, Government is determined to crush this rebellion; a large re-enforcement of troops is hourly expected, when they are determined to penetrate the country; for *God's* sake, Doctor, come to Town directly. I'll engage to procure your pardon; your sister is unhappy, under the apprehension of your being taken and hanged for a rebel, which *God* grant may not be the case. You may rely upon it, the Yankees will never be a match for the troops of *Great Britain*. The *Yorkers* have behaved like damned fools in robbing the King's stores, as Government intended to have granted them some exclusive privileges in trade had they continued loyal. It will now be a rendezvous for *British* Troops. We know well enough that you are divided; your people are discouraged; that you want discipline, artillery, ammunition; and Government has taken effectual care that you shall not be supplied by other Powers. I have wondered that we have not heard from you; difference of politicks has not cancelled my friendship for you. Let me entreat you not to take up arms against your rightful King, as your friend *Warren* did, for which he has paid dearly. I cannot send your sulky and other matters you sent for; you may thank your own people for that, who first set the example, by preventing any thing from being brought to Town. I think you might have sent us a bit of fresh pork now and then. You see *Hancock* and *Adams* are attainted already. If you cannot pass the lines, you may come in Captain *Wallace*, via *Rhode-Island*; and if you do not come immediately, write me in this character, and direct your letter to Major *Cane*, on His Majesty's service, and deliver it to Captain *Wallace*, and it will come safe. We have often heard your people intend to attack the Town. By *God*, I believe they had such a dose on *Bunker's Hill* as to cool their courage. Your sister has been for running away; *Kitty* has been very sick; we wished you to see her; she is now picking up.

"I remain your sincere friend and brother,

I. F.

"P. S. Don't fail to write me soon."

This letter being read, I proceeded: "Your Honour well knows what was our situation after the action of *Bunker's Hill*; insomuch that it was generally believed, had the *British* troops been in a condition to pursue their success, they might have reached *Cambridge* with very little opposition. Not many days after this, we had a report circulated very generally, and as generally credited, of the arrival of a re-enforcement of five thousand *British* troops in *Boston*. This honourable House have not forgot the general anxiety excited thereby, together with the consideration of our not being in a capacity to make any tolerable resistance, from the reduced state of our magazines. Was there a man, who regarded his Country, who would not have sacrificed his life to effect a tolerable accommodation? My fears, I must confess, were greatly excited. At this interval (a week, perhaps, or ten days after I had received this letter) I was confined to my lodgings by a stormy day, contemplating our disagreeable situation. I pulled the letter out of my pocket, and, reading it, the idea of writing an answer to my brother started into my mind. Imagining I could improve the opportunity to effect a happy purpose, I immediately set about it. One circumstance which was an inducement to writing at that time was, that a young woman in the same house was to set off for *New-port* the next morning. I will now proceed to consider the letter by paragraphs, after premising that I have endeavoured to adopt the air and language of a tory throughout, for the purpose of securing confidence, and obtaining the intelligence I wanted.

"Three attempts have I made to write you; the last, the man was discovered, but fortunately my letter," &c. May it please your Honour, had I written or attempted to write into *Boston*, is it not very extraordinary that, during my long confinement, when the very antipodes have been alarmed at the transaction, and every tongue has been clamorous against me; is it not strange, Sir, that no proof has been exhibited against me of such correspondence, but in this very letter, which is crowded with fallacy, and obviously designed to deceive? The idea of the man being discovered, but escaped, 'the letter being,' &c., was suggested by the affair of Doctor —, who was taken, as reported, going into *Boston*; was searched, but no letter found. I heard of the matter upon my return from *Philadelphia*, and that the letter was so concealed; which was idly reported to be the reason of its not being detected. The other two attempts are mentioned in a subsequent paragraph: 'Twice have I been to *Salem*,' &c. This idea was started by the following incident: About a week before I sat out on my journey, Major *Bigelow* informed me he had received intelligence that provisions and other matters were conveyed into *Boston*, by the Custom-House boat, from *Salem*; which ought to be immediately prevented. I instantly laid the matter before the Committee of Safety, and they determined to take measures immediately to prevent her passing into *Boston*. I solemnly declare, Sir, I never wrote one letter into *Boston* since I left it. I solemnly declare, I have never been to the Town of *Salem* these seven years past."

"I went by the way of *Providence*, to visit mother.' This passage, I think, Sir, confirms my declaration that the letter was designed for my brother, and not for Major *Cane*. I should hardly have acquainted the Major of my going to visit my mother, and surely I should not have neglected to affix the relative *my* to the substantive, were not the letter addressed to a relative character. The next paragraph is, 'the Committee for warlike stores,' ending at '*Bunker's Hill*.' Here, may it please your Honour, is a capital omission, which leads to a suspicion of my having written before. In the original copy, I remember perfectly well, after the words 'having taken a previous resolution to make the offer to General *Ward*,' were added 'for the purpose of fortifying *Bunker's Hill*.' This part of the sentence was either inadvertently left out by myself in copying the letter into ciphers, or omitted by the person who deciphered the letter; this accounts for the reference below, 'as I before hinted,' and reconciles this passage with the first paragraph, that 'I had made three attempts to write him without success.'

The true state of the fact is as follows: The taking and fortifying *Dorchester-Hill* was the first object in contemplation when I left the camp. I was sensible we had not heavy artillery. When at *Providence*, being informed that they had a considerable number there, I applied to the Hon. Mr. *Ward*, who resided then at *Providence*, and was a member of the Committee of War, for such of them as they could spare. Mr. *Ward* called the Committee together, when they generously granted them, and they were sent down. The application was made spontaneously by me, and I wrote a letter of apology to General *Ward* for my officiousness in this matter. The reason of my covering this transaction in my letter must be obvious. There was a constant communication between *Newport* and *Boston*. There was no doubt but they would have accounts of this transaction. Did I not account for it in a way to conceal my being active in the matter, I should have been defeated in my intentions in writing."

Here I was interrupted, and the House voted to adjourn to three o'clock. I was ordered to make such corrections in the interim as to make it correspond with the original draught. I was then, by the order of the honourable House, conducted by my guard, under custody of the messenger of the House, to *Coolidge's Tavern*, where, at the publick expense, I was regaled with half a mug of flip and the wing of a chicken, and was then reconveyed to the House, in the manner I came from thence. When arrived at the door of the House, the messenger communicated my arrival. He was directed to detain the prisoner at the door till called for. I was continued in the cold, on a bleak eminence, for the space of half an hour—which, after a month's close confinement, was not very eligible—and during the whole time surrounded by my guards, with additional mobility, *digito monstrari et dicier hic est*; during which time a solemn vote was passed to invite the honourable His Majesty's Council for this Colony, and sundry military gentlemen, to be present at the trial; and when their Honours had taken their seats, orders were given to admit the prisoner. I was then introduced to the bar of the House. The Speaker, addressing himself to me, informed me the House were ready to hear me, and ordered me to proceed. I began as follows: "May it please your Honour, to the patient attention, the apparent candour, and generous humanity of the honourable House, I feel myself deeply indebted. I shall now proceed, by their continued indulgence, to some further observations on the letter; not doubting, from the approved justice and benignity of this honourable Assembly, a full acquittance from the groundless charges levelled against me.

"The next paragraph is, 'which, together with the cowardice of the clumsy Colonel *Gerrish*,' &c. to 'defeat.' There is a mistake in the word *lucky* in this sentence; the original was *unlucky*, the negative being marked by an additional stroke in the *l*. Here I cannot but observe, Sir, that, notwithstanding the apparent labour and design, throughout the whole, to maintain the character of a tory, yet, in this paragraph, I have inadvertently betrayed myself; having mentioned Colonel *Gerrish* and Colonel *Scammons* in terms of reproach and indignation, for not engaging the King's troops. After giving an account, in the next paragraph, of the number of our killed and wounded in the battle of *Bunker's Hill*, which greatly falls short of truth, and an oblique sarcasm upon them for their extravagant calculation in this matter, I proceed, in several succeeding paragraphs, in the most exaggerated terms possible, to alarm him with a very formidable account of the spirit, supplies, resources, industry, union, and resolution of the Colonies, all confirmed by ocular demonstration, beginning with 'the people of *Connecticut*,' and continued as far as 'are readily exchanged for cash.' As far as my contracted reading and observation extends, may it please your Honour, it has been the policy of those we heretofore deemed our enemies to speak in contemptuous terms of the courage, strength, union, and resources of these Colonies; they have, I apprehend,

Sir, constantly endeavoured to discourage us, and encourage the enemy, by remonstrating, in the warmest manner, the impossibility of our making any effectual resistance against them. If I am condemned for a representation perfectly the reverse of this, I would ask, Sir, who are your friends? Is it criminal and injurious to you to say we are able and determined to withstand the power of *Britain*? Is it criminal, Sir, to alarm them with a parade of our strength and preparation? Is it bad policy, or a proof of enmity, when under the most alarming apprehensions of instant ruin from their attack, by an innocent stratagem to divert them from such a ruinous enterprise?

"The next matter most strenuously urged and insisted upon, is an immediate accommodation, or the Colonies are disjoined from *Britain* forever. See from 'add to this' to 'for *God's* sake, prevent it, by a speedy accommodation.' Here, may it please your Honour, the plot is unravelled; the scope and design of the letter is here fully explained—to effect the reconciliation so vehemently urged, so repeatedly recommended. For what cause have I worn the garb of a friend to Government throughout this letter? For what cause have I repeated fallacy upon fallacy? For what cause have I exaggerated your force, but to effect a union, to disarm a parricide, to restore peace to my distracted Country? If this is the work of an enemy, where are we to look for a friend? There are two or three passages which, from being misunderstood, have been greatly exaggerated, which I shall explain hereafter.

"The next paragraph, beginning at 'writing this' to 'discovery,' is totally futile and apocryphal. The next passage, 'I am not in place here,' &c., is in answer to his request, in his letter, not to take up arms against the King, and to quiet the fears of a sister, as well as to carry on the deception; but even here, through haste and inattention, I have committed a blunder which should have been avoided. I have mentioned a readiness to take up with an appointment in my own way, not considering that in the capacity of a physician or surgeon I should be deemed aiding and assisting, and equally obnoxious with those who were actually in arms. The concluding paragraph contains particular directions for his writing me; from hence, I think, Sir, the following conclusions are fairly deducible: First, my endeavours to appear so zealous a friend to Government, and so seemingly open and communicative, were to engage him to a full and free communication on his part, for purposes very obvious. Again, Sir, I think it is indisputably proved, from this paragraph, that a previous correspondence never subsisted between us. If this had been the case, Sir, can it be supposed I should be so extremely minute and circumstantial in pointing out a mode and channel of conveyance? or, if we had heretofore communicated, should I not have intimated my reasons for altering the plan? I have urged labour and pains in writing him; I have urged secrecy; I have urged danger, merely to impress his mind with my being zealously attached to his party, to secure full faith and credit, to influence him to an unlimited confidence in his return to me. If in this I have transgressed, the motive will surely absolve me. Here, may it please your Honour, concludes the letter, innocently intended, however indiscreetly executed—a letter which has alarmed the world, wounded me in the esteem of my friends, and glutted the malice of my enemies.

"I shall now, by your Honour's leave, make a few observations on some particular passages, and then conclude. One or two paragraphs have been urged as proofs of my having carried on a correspondence with this person for some time past. The words 'as I hinted before to you' is one. This I have explained already. Another is: 'You know I never deceived you.' The man I wrote to had implicitly swallowed the doctrine of Mr. *Hutchinson*: that all the opposition arose from a small but busy faction; that the *Americans* would never dare to fight the *British* troops. These sentiments I had constantly and warmly opposed; assuring him the Continent was engaged in the opposition to the present measures; and if blood should be drawn, he would be convinced of the spirit and resolution of *Americans*.

These facts he assented to the last time I saw him, and acknowledged I had not deceived him; which fully explains this passage. That the letter is totally fallacious, as far as evidence is admissible, you cannot doubt, Sir. The pains taken to send letters is, in every instance, incontestably false. The matter of sending cannon from *Providence*, as there related, is equally so, and probably calculated to effect political purposes. Why, then, may it please your Honour, shall unbounded credit be given to that letter, which bears such glaring marks of fallacy and design, and couched in terms totally inconsonant with the conduct of my whole life; against the conviction arising from that conduct; against my solemn asseveration, and against sundry concurring circumstances, to prove that it was meant as a piece of political deceit to serve my Country? If I had intended to commence a spy, Sir, why did I not communicate other matters than those which were of publick notoriety? The affair of robbing the King's stores in *New-York* is adopting his very language. The expedition against *Canada* is barely mentioned, and introduced merely because it was published at the same time and in the same papers with the matter mentioned by himself; it was impossible but he should have known it, and therefore had I suppressed it, it might have excited a jealousy no way favourable to my purpose. Were there not sundry important matters then agitating, which I was well acquainted with? If I had been an enemy, why did I not mention those matters, which to communicate would be to defeat? Were I that enemy, may it please your Honour, which the tongue of slander proclaims me to be, should I have made such an ostentatious parade of our strength and resources? Should I not rather have dwelt with a malicious pleasure on our weakness? Should I not rather have advised the enemy where to attack us with assurance of success? Should I not rather have encouraged them to prosecute the war with vigour, than to desist from hostilities, and propose terms of accommodation? Certain I am, Sir, the letter bears the impression of an anxious friend to his Country. I have there expressed a firm loyalty for the King; so has this House, in every publick proceeding. I have told him, and confirmed it with abundant facts, that the *Americans* were determined vigorously to defend their rights; so have you, Gentlemen, asserted in the strongest terms. I have recommended, with all the warmth of an honest zeal, to put an end to the work of death; is not this the universal wish, Sir? You will say, perhaps, I conversed with him in the language of an enemy. He is a friend to Government, so called, Sir. I wrote *ad hominem*; I wrote *ad captum*. Where, may it please your Honour, is the crime, unless it be a crime to pursue indirect measures, at a time of publick danger, to prevent a publick calamity? The manner in which the letter was written, the mode of address and conveyance, have likewise been much condemned; but if it be considered, Sir, that this was the mode prescribed by the person to whom I wrote; that affected secrecy and an ostensible coincidence in sentiment were indispensable, in order to effect my design, those of candid and liberal sentiments will readily pardon me. I have been used, Sir, to direct the reins in my little theatre of politicks. I had no suspicion of evil, because I meant none. The letter was intrusted to a man I did not know; whom I never saw. Two months it lay where I could easily have obtained it. I never was one moment anxious about it. Surely, may it please your Honour, it will afford a presumption of my innocent intention, at least, when the letter was lodged in the hands of a stranger who resided in the very centre of my friends and relations, that I never was solicitous enough to write to one of those to secure it.

"I will entreat the patience of the honourable House for a moment longer. When I was in *Boston*, exposed to certain hazard, solicited, persecuted, and personally obnoxious, did I ever recede one moment from the cause of my Country?

Though frequently threatened and abused, as I passed the streets, my house assaulted, and my windows broken in the night, was I ever intimidated from pursuing, with my utmost vigour, the interest of the publick? And now, Sir, when the Colonies are united, the opposition general and formidable, my person secure, and no other temptation to revolt but the hopes of pardon, to be thus influenced at this time must betray a versatility bordering upon insanity. Were my small, but sincere services ill requited; were I entirely neglected in the dispensation of publick benefits, I might be suspected of apostacy, from chagrin and disappointment. But the matter is so totally different, that, when the establishment of an hospital was in contemplation, I had every satisfactory encouragement that I should be appointed; and in such a way as to have my utmost wishes gratified.

"The result of this inquiry, may it please your Honour, the determination of this important body, is to me of the last importance. I solicit not life; that I have long held in my hand, a ready, a devoted oblation to my Country. I plead for more than life. I plead, in spite of one act of precipitation, and even that from a virtuous intention, I plead a restoration to your confidence and esteem—to the esteem and confidence of my Country—which I have never forfeited. If I have inadvertently erred, judge my mistakes with candour. The irregularity of a measure which they are unable to account for has alarmed, has startled my friends. Their determination is suspended; it rests upon yours.

"I demand your confidence, gentlemen; the warmest bosom here does not flame with a brighter zeal for the security, happiness, and liberties of *America*, than mine. Consider, gentlemen, the adopted character sustained through that letter, consider the apparent design, and attend to the concluding urgent recommendation of an immediate accommodation; weigh the labours of an active life against the indiscretion of an hour. Be pleased to consider, Sir, if the letter had arrived, had it not produced the good intended, it could not have produced any mischief; but it never arrived, never produced any ill consequences but to the guiltless though unfortunate author. Consider, gentlemen, what a miserable, what an embarrassed situation I shall be flung into, if so unhappy as to incur your censure; here I shall be wretched indeed—subjected to the sting of invective, pointed with savage asperity—doubly wretched in having no sanctuary from reproach and ruin. The most obstinate and malicious enemy to his country finds a secure asylum in that retreat where I have sacrificed my fortune for you, and which I have effectually barred by my incessant exertions in your service. To your wisdom, gentlemen, to your justice, to your tenderness, I cheerfully submit my fate."

Here I was questioned respecting sundry matters which were uttered during my defence, by sundry members of the honourable House, and was directed to withdraw, under the conduct of the guard. Previous to my departure from the House, I addressed myself to the honourable Speaker, informing the House I desired to be admitted to bail; otherwise, I was fearful of falling a martyr to the severities of my imprisonment; and then withdrew.

From my Prison in CAMBRIDGE, November 1, 1775.

Attest: B. C., JUN.

In Council, November 4, 1775: Read and concurred.

The Committee for considering the conduct of *Benjamin Church, Esq., &c.*, reported.

Whereas, from certain facts expressly acknowledged and confessed by *Benjamin Church, Jun., Esq.*, a member of the said House, at their bar, on *Friday*, the 27th day of *October* last, it manifestly appears that he, the said *Benjamin Church*, in the month of *July* last, did endeavour to carry on a secret correspondence with the enemy in *Boston*, highly criminal and dangerous :

And whereas it also appears, from the said facts so confessed, that there are grounds for a violent presumption, that before that time he had secretly communicated intelligence to the said enemy, most injurious and destructive to this and all the *United American Colonies* ; and as it is of the highest importance to this Colony that this House should not in any degree connive at such wicked and detestable practices, nor afford any protection to such traitorous criminals ; but, on the other hand, in every proper way testify to the world their utmost abhorrence of such deceitful conduct, horrible ingratitude, and breach of trust :

It is therefore *Resolved*, That he, the said *Benjamin Church*, be expelled this House, and he is accordingly hereby utterly expelled the same, and his seat therein declared vacant ; and that this House will not afford to him, the said *Benjamin*, any of that special privilege and protection which every worthy and honest member of this body is, by the law and Constitution, entitled to, may challenge, and which this House will always grant.

Upon a motion, *Ordered*, That a Precept issue to the late inhabitants of the Town of *Boston*, to return a Member, if they see cause, to represent them in the Great and General Court, in the room of *Benjamin Church, Jun., Esq.*, and that Mr. *Pitts* report a form for the same.

Upon a motion, *Ordered*, That Mr. *Story*, Mr. *Gerry*, and Colonel *Orne*, be a Committee to consider the expediency of this Court's taking any measures for the security of Dr. *Church*, if General *Washington* should dismiss him, and report.

CONNECTICUT COMMITTEE OF SAFETY.

Wednesday, November 22, 1775.

At a meeting of the Governour and Council of Safety, at *Lebanon*, present :

His Honour the Governour, *Jabez Huntington, William Williams, Nathaniel Wales, Jedediah Elderkin, Joshua West, Benjamin Huntington*, Esquires.

His Honour laid before us many Letters and Answers from the Congress, General *Washington*, General *Schuyler*, &c.

Dr. *Church* having arrived in this Town yesterday, sent by General *Washington*, under guard of Captain *Putnam*, a Sergeant, and seven men, pursuant to a Resolve of the General Congress of the following tenor, (enclosed by said General,) viz :

“Philadelphia, November 6, 1775.

“*Resolved*, That Dr. *Church* be closely confined in some secure Jail in the Colony of *Connecticut*, without the use of pen, ink, and paper, and that no person be allowed to converse with him, except in the presence and hearing of a Magistrate of the Town, or the Sheriff of the County where he shall be confined, and in the *English* language, until further orders from this or a future Congress.

“By order of Congress :

JOHN HANCOCK, *President*.

“Attest : CHARLES THOMSON, *Secretary*.”

And underwritten :

“SIR: In consequence of the above resolve, I now transmit to your care Dr. *Church*, under the guard of Captain *Israel Putnam*, a Sergeant, and seven men. You will please to comply in every particular with the above Resolution of Congress.

“I am, with great respect, Sir, your most humble and obedient servant,

“GEORGE WASHINGTON.”

The foregoing being laid before this Board, for advice, &c., on consideration,

Voted and Resolved, That said Dr. *Church* be committed to and confined, and kept in the same manner as ordered by said Congress, in the Jail in *Norwich*, in the County of *New-London*, until further orders from said Congress and this Board. (And order is given accordingly.)

PETITION OF DOCTOR BENJAMIN CHURCH TO CONTINENTAL
CONGRESS.

*To the Honourable the Members of Congress in PHILA-
DELPHIA, Greeting :*

The Petition of BENJAMIN CHURCH, Jun.

MAY IT PLEASE YOUR HONOURS :

Whereas, your petitioner was put under arrest, in *Cambridge*, on the 27th of *September* last, by his Excellency General *Washington*, where he was confined, a close prisoner, till the 16th day of *November* ; and your petitioner having inherited from Nature a feeble constitution, with a particular tendency to consumption, from which, with great difficulty, he escaped with life, a few years past, and has been compelled to observe the greatest caution ever since, respecting his diet, air, and exercise ; your petitioner being precluded, by his severe confinement, from that attention necessary to his preservation, was there attacked with his constitutional complaints : a straightness of the chest, incessant cough, and spitting of blood.

On the 16th of *November* last, may it please your Honours, your petitioner was removed, by order of your Honours, into the Colony of *Connecticut*, to be further confined, and was committed, by command of his Honour the Governour, and the honourable Committee, to *Norwich Jail*, in a close, narrow, dark, and noisome cell ; previous to his being lodged therein, a small grate (to the total exclusion of light and air) was nailed up.

Deplorable, indeed, may it please your Honours, has been the event, to your petitioner. He had not been immured in this receptacle of misery but a few hours, when, from the weak state of his lungs, and the corrupt and stagnant air of his cell, he began to labour for breath. In his insupportable distress, which was so great as repeatedly to force blood from his mouth and nostrils, he earnestly entreated his jailer to open the grate, which he declined doing, as it would be a breach of his orders. The most violent convulsive asthma, with all the unspeakable agonies of instant strangulation, then took place.

The keeper of the prison, being justly alarmed with apprehensions of the immediate death of your petitioner, hastened to his Honour the Governour, giving him an account of the distressed and dangerous situation of your petitioner.

His Honour compassionately directed the grate to be opened.

This, though a partial, proved but an ineffectual relief, as your unhappy petitioner, at frequent intervals, by day and by night, still struggles with the apprehensions of immediate death from suffocation. He has applied to Messrs. *Tracey, Rogers, and Turner*, Physicians, in the town, who concur in sentiment, that nothing but exercise, in a clear, elastic air, will contribute to his recovery.

Your petitioner, to obtain the most speedy relief, which the urgency of his circumstances required, presented a petition to the General Assembly of this Colony, for that purpose; but the honourable Assembly judged it improper to act upon the matter, as the order of Congress for his confinement was absolute.

This, may it please your Honours, is but an imperfect representation of the accumulated distresses of your miserable petitioner. He most humbly beseeches your Honours to have compassion upon him. He considers, with mingled grief and indignation, the precipitate step he has taken; but appeals to the Searcher of all Hearts, that the letter, which has proved the unhappy occasion of his sufferings, is the only letter he ever wrote, to go into *Boston*. That offensive letter was designed as a political decoy for his brother *Fleming*; and, however equivocal or absurd it may appear to your Honours, was, indeed, dictated by an anxious concern for the distresses of his country.

Your petitioner most earnestly entreats your Honours to permit him to retire to his distressed and necessitous family, in *Taunton*, and he will never cease to be grateful for your humanity and clemency; and, should he be so happy as to recover his health, your Honours may be assured, it shall be his constant exertions, as it has ever been the first wish of his heart, to promote the welfare of his country.

Your petitioner, may it please your Honours, would deprecate that any jealousy, respecting the integrity of his designs should possess the minds of your Honours; but, if he should be so greatly unhappy, he would request your Honours' permission, by the first opportunity, to leave the Continent; but begs leave to plead with your Honours, to indulge him with an opportunity, by his future endeavours here, to redeem his injured reputation—to approve himself the same inflexible friend to the common rights, and to conciliate the esteem of his worthy countrymen.

And your petitioner, as in duty bound, shall ever pray,
&c.

BENJAMIN CHURCH, Jun.

Norwich Jail, January 1, 1776.

Journal of the Congress

Tuesday, May 14, 1776.

A Letter of the 11th, from General *Washington*, enclosing sundry papers ; a Letter of the 3d, from General *Schuyler*, and a Letter of the 9th, from *Daniel Robertson*, were laid before Congress, and read :

Resolved, That they be referred to a Committee of three.

The Members chosen : Mr. *W. Livingston*, Mr. *Jefferson*, and Mr. *J. Adams*.

The Committee to whom the Petition of Dr. *Benjamin Church*, now confined in Jail in *Norwich*, in the Colony of *Connecticut*, and a Petition from *Benjamin*, *Samuel*, and *Edward Church*, together with a Certificate from Physicians respecting the dangerous state of the aforesaid Dr. *Church*, were referred, brought in their Report ; which was read, and agreed to :

Whereupon, *Resolved*, That Dr. *Benjamin Church* be sent to the Colony of *Massachusetts-Bay*, and that the Council of the said Colony be requested to take a recognisance from him, with two good sureties, in such penalty as they shall think sufficient, not being less than £1,000, lawful money, for his appearance before such Court as shall be erected for his trial, and at such time and place as such Court shall direct, and to abide the judgment of the same ; and that they be further requested to take his parole not to hold any correspondence with the enemies of the United Colonies, or at any time to depart out of the said Colony without their license ; and that, upon the performance thereof, the said Dr. *Benjamin Church* be set at liberty.

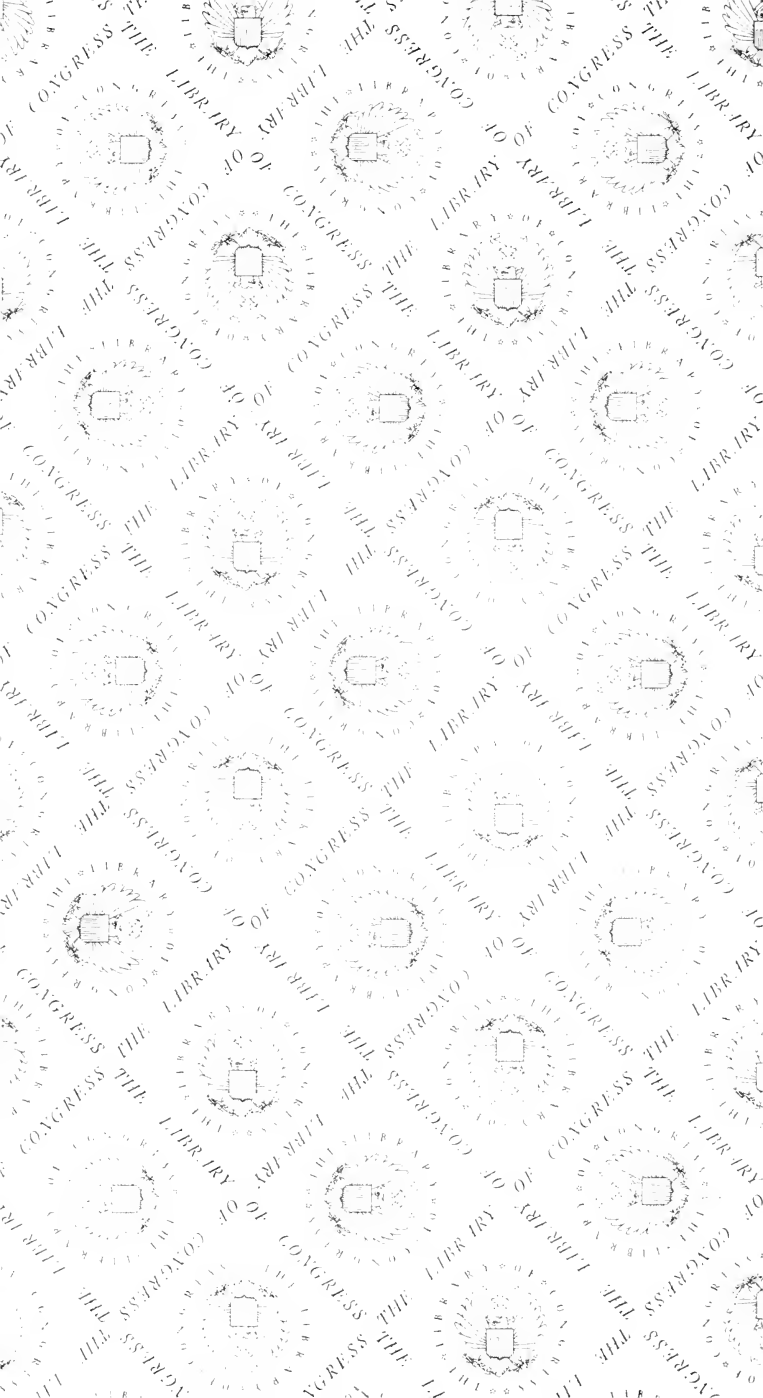


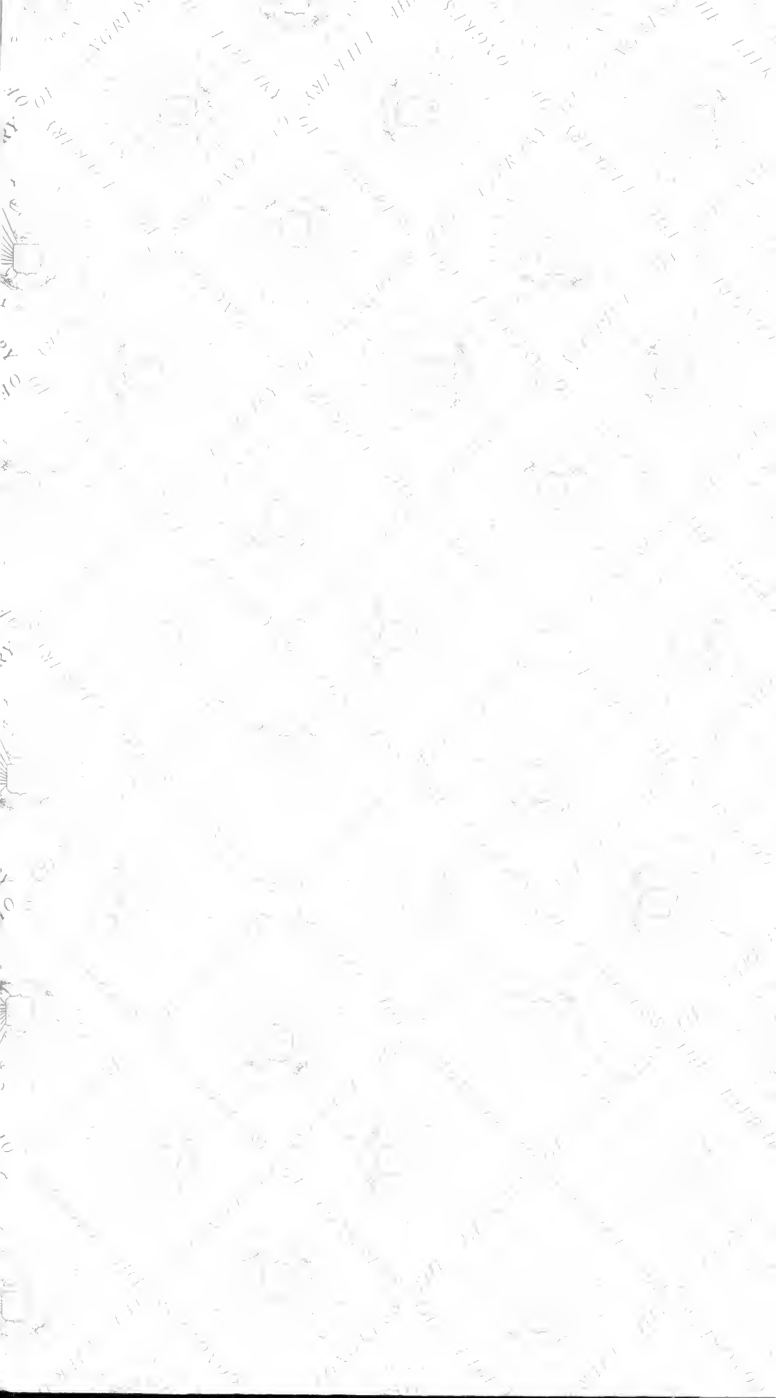












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